

**BOROUGH OF ROCKY HILL
COUNCIL MINUTES
December 4, 2006**

The regular meeting of the Borough Council of the Borough of Rocky Hill was called to order by Mayor George Morren at 7:30 PM. Mayor Morren led the Pledge of Allegiance to the Flag followed by a moment of silent meditation. Mayor Morren stated that the meeting has been properly advertised in the December 17, 2005, issue of the Somerset Messenger Gazette and is being held in accordance with the Open Public Meetings Act.

Roll Call: Mr. Richard Batchelder-present, Mr. Brian Griner-present, Ms. Eileen Uhrik-present, Mr. Jared Witt-present, Mr. Edward Zimmerman-present.

(Resignation of Councilman Bradford Merritt effective 12/1/06 addressed under Special Business)

Also present: Deputy Borough Clerk Raymond Whitlock, Borough Attorney Albert Cruz, Borough Engineer William Tanner

APPROVAL OF MINUTES

Regular Minutes – November 20, 2006 – Motion was made by Zimmerman with a second by Witt to approve the minutes as presented. Motion carried on roll call vote – all ayes.

Executive Session Minutes – November 20, 2006 – Motion was made by Zimmerman with a second by Uhrik to approve the minutes as presented. Motion carried on roll call vote – all ayes.

PUBLIC COMMENTS

Hearing no comments/questions, the floor was closed to the public.

ENGINEER'S REPORT

Report dated November 30, 2006, for November 2006 was received and distributed (copy on file in the Borough Clerk's Office). The following items were discussed:

Princeton Gamma Tech – Letter dated November 15, 2006, from the EPA in response to our letter of June 12, 2006 was received. Engineer Tanner advised of the following response from the EPA: they do not feel that their well has any affect on the Borough's well – they do not see a connection between the two; our concern about their pumping operation drawing contaminants to our well is in their opinion not likely; the issue of being reimbursed was previously addressed in a letter dated 7/15/97 addressed to then Borough Attorney John Rankin; and they have attributed the lowering of water in the well to precipitation. The EPA has agreed to turn over the equipment being used for the monitoring to the Borough. It was agreed that Engineer Tanner should make contact with Water Superintendent Larry Merk and a response will be sent to the EPA requesting that they continue to send us their information to help in assessing the situation. It was also recommended that the EPA be advised that the Borough has a concern with the response time that will be afforded by that agency in the case of an emergency situation given the considerable amount of time it took to receive a response to our concerns outlined in our June 2006 letter.

County Park Project – playground equipment is being installed this week; Park Committee has recommended that the park be opened to allow use of the equipment and the paths (not playing fields). A park opening celebration is scheduled for December 16, 2006 at 10:00 AM. The miscellaneous items will be installed by Montgomery Twp. Public Works with the exception of the basketball courts and fencing.

Princeton Ave. Sidewalks and Montgomery Ave. Improvements – The contract for this project will need to be amended to add \$5514.00 due to increased quantities on the project. Engineer Tanner advised that \$700.00 of this increase can be recovered from the DOT for Princeton Ave. The balance of \$4814.00 will be borne by the Borough. The final paperwork, change order, and resolution of approval will be presented at the next meeting for approval. Deputy Clerk Whitlock will advise the CFO to encumber said funds at this time.

ARC – Parking Lot – Attorney Cruz will be provided with the size of the parking lot. After considerable discussion as to whether the property should be leased or sold, it was the consensus of Council that the Borough should lease the property to ARC. Attorney Cruz will prepare the necessary documentation for the lease of the property.

NJDOT Grant – Grove St. – Notice of award of a NJDOT Fiscal Year 2007 Municipal Aid Program Grant for Grove St. in the amount of \$47,000.00 was received. Engineer Tanner will check with the County as to a cooperative contract for the milling/paving for this project. Motion was made by Witt with a second by Zimmerman to adopt Resolution Requesting Approval of Items of Revenue and Appropriations for the \$47,000 grant. Motion carried on roll call vote – all ayes. (Appendix 1)

Brush/Tree Limb Removal – An additional pickup has been scheduled for 12/7/06.

Trails Grant for VanHorne Park – Engineer Tanner advised that this project will be done over the winter for completion by the spring. Engineer Tanner will check to ensure that the grant monies will still be available by the completion date.

Recreation Shelter – The contractor is requesting to be paid an additional \$3533.00 for this project due to unforeseen circumstances during the construction of the shelter and delays imposed by code officials. Engineer Tanner recommended that the contractor be paid for the extras. Engineer Tanner advised that available funds from the Recreation Grant may be used for this purpose as authorized by the County. Change order and resolution of approval to be presented at the next meeting. Deputy Clerk Whitlock will request the funds by encumbered by the CFO.

Comments/Questions:

Gabrielle Dietrich, resident, noted that there is a substantial amount of water on the paths at the park after a rainfall and expressed concern with a freezing situation. Engineer Tanner advised that the contractor is scheduled to address this problem tomorrow. In response to concern expressed about the sidewalks on Merritt Lane, Ms. Dietrich was advised that the sidewalk situation throughout the Borough will be addressed in next year's budget.

Councilwoman Uhrick suggested that in light of the opening of the park, signs should be posted relative to the hours that the park will be open as well as posting of regulations pertaining to dogs. Engineer Tanner will follow-up on this issue with the Park Committee.

APPROVAL OF VOUCHERS TO BE PAID

Motion was made by Batchelder with a second by Uhrick for the approval of the bill list as presented. Motion carried on roll call vote – all ayes. (Appendix 2)

COMMITTEE REPORTS

Administration & Records – No report at this time.

Buildings & Grounds – Councilman Zimmerman advised that certificate of insurance adding the NJSP has been requested of the insurance company. Copy to be provided to the NJSP as per the license agreement.

Finance & Administration – Councilman Batchelder requested that line items be reviewed and requests for cancellations be provided to him by 12/11/06 for action at the 12/18/06 meeting.

Public Safety & Emergency Services – Constables' report was summarized by Councilman Griner.

Streets & Roads – Councilwoman Uhrick advised that street signs have been installed on Merritt Lane; "no parking" sign will be ordered for the firehouse.

Water, Sewer & Environmental Protection - October Utility Report dated 11/8/06 from Larry Merk was read into the record. Noted was damage done to water curb boxes by the contractor working on Montgomery and Princeton Avenues. Mr. Merk recommends final payment to the contractor be held until repairs are completed. Engineer Tanner will be advised of this situation.

Council Representative to the Planning Board – Meeting cancelled for November.

Council Representative to School Board – Reorganization meeting scheduled for next week.

Council Representative to Board of Health – No report at this time.

Zoning Official – November 2006 report submitted by Zoning Officer Raffaelli. Motion to accept was made by Zimmerman with a second by Witt. Motion carried on roll call vote – all ayes.

Grants Official – Discussion continued in regard to an available grant via the grant writer for sidewalks to schools as presented previously by Councilman Griner. Engineer Tanner has advised that the Borough would not be eligible for this grant. It was agreed that no action be taken at this time.

SPECIAL BUSINESS

Letter of Resignation from Councilman Bradford A.L. Merritt effective December 1, 2006 –

Letter of resignation dated 11/29/06 addressed to Borough Clerk Donna Griffiths from Bradford A.L. Merritt effective December 1, 2006, was received and distributed. Motion to accept the letter of resignation was made by Griner with a second by Batchelder. Motion carried on roll call vote – all ayes. Councilman Griner expressed appreciation of Mr. Merritt's service to the Borough.

Recommendations for Filling of Governing Body Vacancy – The process of filling the governing body vacancy was discussed. The vacancy must be filled by 12/31/06 and appointment must be made by the governing body in this circumstance. Discussion ensued as to the how process will be carried out. Motion was made by Griner with a second by Witt authorizing the process to be followed for the nomination process: each council person (including the Mayor) will provide a nomination (for a total of six) to the Borough Clerk by Friday, December 8, 2006 at 5:00 PM. The nominations will include phone number and qualifications of the nominee. A list of the nominees with their qualifications will be prepared by the Clerk and distributed to each of the Council members and the Mayor for review prior to the December 18, 2006 meeting. A list of the names will be provided to the Princeton Packet for publication. A decision on the nominations will be made at the December 18, 2006, meeting. It was further agreed that notice be posted in the Princeton Packet and in the post office soliciting interest by residents in the filling of the vacancy.

Public Hearing: Ordinance #9, 2006 – ORDINANCE AMENDING THE DEFINITION OF STORAGE CHARGES ADOPTED IN ORDINANCE NO. 7, 2006, TITLED, AN ORDINANCE ESTABLISHING FOR THE LICENSING OF TOWING OPERATORS IN THE BOROUGH OF ROCKY HILL, AND TOWING AND STORAGE FEES – The ordinance (as filed in the Borough Clerk's Office) was read by title. Proof of publication was provided by the Borough Clerk and found to be in order by Attorney Cruz. The floor was opened to the public. Hearing no questions/comments, the floor was closed. Motion to adopt was made by Zimmerman with a second by Witt. Motion carried on roll call vote – all ayes. Mayor Morren advised that vendor application forms are being developed and upon finalization of same, solicitation will be made for interested towing operators.

Discussion – Resolution – Owner-s Consent Allowing the ARC Group Home to Apply to the Planning Board for Subdivision and/or Site plan Approval – (addressed in the Engineer's Report)

COMMUNICATIONS:

Communications as listed on the agenda were disseminated and/or ordered filed. Mayor Morren advised that correspondence was received from the DEP in regard to a request from the Borough for information on contaminants on the site. The Borough Clerk will forward the results received to Engineer Tanner and the Borough's Hydrological Expert, Paul Ferriero, for review of same.

NEW BUSINESS:

2007 Proposed Borough Council Meeting Dates – Motion was made by Witt with a second by Zimmerman for the approval of 2007 Borough Council meeting dates as attached (Appendix 3). Motion carried on roll call vote – all ayes. Notice of the agreed upon dates will be posted and provided to the newspapers accordingly.

PUBLIC COMMENT

Hearing no comments/questions, the floor was closed.

EXECUTIVE SESSION

(9:20 PM)

Resolution to move into executive session for the purpose of discussion of: Litigation – Rocky Hill Citizens for Responsible Growth, et al. v. Planning Board of the Borough of Rocky Hill, et al. was read into the record by Borough Clerk Griffiths. Motion for approval of said resolution was made by Witt with a second by Batchelder. Motion carried on roll call vote – all ayes. (Appendix 4).

RESULTS OF EXECUTIVE SESSION

(9:25 PM)

Results not available to the public at this time.

ADJOURNMENT:

Motion to adjourn the meeting at 9:25 PM was made by Witt with a second by Uhrig. Motion carried on voice vote – all ayes.

Respectfully submitted:

Donna M. Griffiths, RMC
Borough Clerk